

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 1/13/2015	(3) CONTACT/PHONE Rob Fitzroy, Environmental Resource Specialist / 781-5600	
(4) SUBJECT Hearing to consider an appeal by Khosro Khaloghli of the Planning Department Hearing Officer's approval of the Centrally Grown, Inc. Minor Use Permit (DRC2012-00119) to remodel an existing complex of structures, change the use of an existing structure, and allow the use of an existing single family residence as a vacation rental located at 7432 Exotic Garden Lane in Cambria. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> <li>1. Hold the public hearing on the appeal of the approval by the Planning Department Hearing Officer as set forth in the attached Exhibits and staff report.</li> <li>2. Adopt and instruct the chairman to sign the resolution to:                         <ol style="list-style-type: none"> <li>a. Deny the appeal and affirm the Planning Department Hearing Officer's decision and approve the Mitigated Negative Declaration in accordance with the applicable provisions of CEQA, and Minor Use Permit DRC2012-00119 based on the findings in Exhibits A and Conditions in Exhibit B.</li> </ol> </li> </ol>			
(6) FUNDING SOURCE(S) Planning Dept Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>60 Min.</u> ) <input type="checkbox"/> Board Business (Time Est. <u>    </u> )			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A    Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 2			



TO: Board of Supervisors

FROM: Rob Fitzroy, Environmental Resource Specialist

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 1/13/2015

SUBJECT: Hearing to consider an appeal by Khosro Khaloghli of the Planning Department Hearing Officer's approval of the Centrally Grown, Inc. Minor Use Permit (DRC2012-00119) to remodel an existing complex of structures, change the use of an existing structure, and allow the use of an existing single family residence as a vacation rental located at 7432 Exotic Garden Lane in Cambria. District 2.

### **RECOMMENDATION**

It is recommended that the Board:

1. Hold the public hearing on the appeal of the approval by the Planning Department Hearing Officer as set forth in the attached Exhibits and staff report.
2. Adopt and instruct the chairman to sign the resolution to:
  - a. Deny the appeal and affirm the Planning Department Hearing Officer's decision and approve the Mitigated Negative Declaration in accordance with the applicable provisions of CEQA, and Minor Use Permit DRC2012-00119 based on the findings in Exhibits A and Conditions in Exhibit B.

### **DISCUSSION**

#### **Background**

Initial on-site uses at 7432 Exotic Gardens Lane were established in 1961 and included two permitted single family residences, a commercial gift shop, a commercial nursery, and a demonstration garden. A subsequent use permit was approved in 1980 which allowed a restaurant (The Hamlet), cocktail lounge, a retail shop, and other accessory uses. The Hamlet restaurant was the primary business on the site between 1981 until its closure in early 2012. Other recent uses on site include a day spa (Moonstone Day Spa), a retail art gallery (The Gallery) and a retail nursery (The Grow). On February 17, 2012, the Planning Department approved improvements to renovate and restore the Centrally Grown property as being in substantial conformance with the 1980 permit. A substantial conformance determination is when changes are proposed to an existing development or entitlement and the Planning Department finds the changes to be consistent with the originally established or approved use. When this occurs, the Planning Department will issue a substantial conformance determination and no new land use permits are required. The substantial conformance determination allowed various aesthetic upgrades to the primary restaurant use, improvements to existing parking areas, and various improvements to the restaurant to meet current American with Disabilities Act (ADA) accessibility requirements and State and County Building Code requirements. These improvement activities are still under way and are not yet complete. It is important to note that actions related to the substantial conformance determination in 2012 are not subject to this appeal.

Subsequent to issuance of the substantial conformance determination, the applicant desired additional changes to the site. The applicant proposed a change in use in one of the structures (from residential to commercial retail), as well as additional structural modifications beyond those approved in the 2012 substantial conformance determination. As such, it was determined that a Minor Use Permit would be required and the applicant subsequently submitted an application for a Minor Use Permit, which became County permit file number DRC2012-00119.

On June 6, 2014, Minor Use Permit DRC2012-00119 was approved at a Planning Department Hearing (Planning Department Hearing staff report is included in Attachment 3 and the project description is included in Attachment 5). On June 13, 2014, Khosro Khaloghli submitted an appeal of this action to the Planning Department (the Coastal Appealable Form is included in Attachment 4). Mr. Khaloghli is a neighboring property owner and resident. Both the applicant and the appellant wished to engage in a direct dialogue regarding a number of the appeal issues and requested that the Department hold off on this appeal hearing in order to allow this direct discussion. When staff was informed that issues were going to remain unresolved, this item was scheduled before the Board.

The project is located in a coastal appealable area, and is appealable to the California Coastal Commission. The appeal issues are addressed further below.

### Project Description

The following describes the project currently under appeal, as approved at the Planning Department Hearing on June 6, 2014 (full project description is included in Attachment 5).

The project site is located at 7432 Exotic Gardens Drive, on the east side of Highway 1 approximately 185 feet northeast of the intersection of Highway 1 and Exotic Gardens Drive. The 3.1 acre project site is located north of the community of Cambria. The project is located outside of the Cambria Urban Reserve Line (URL) but is located within the Cambria Community Services District service area boundary. The appellant's property is located immediately to the east and south of the proposed project. Access to the appellant's property is also via Exotic Gardens Lane. The appellant's property is approximately 71 acres. San Simeon State Park is located immediately to the north of the proposed project site. Approximately 500 feet to the south of the proposed project site is Moonstone Beach Drive, which contains several visitor serving accommodations, including lodging and restaurants.

The project site is currently occupied by nine structures, including several commercial buildings, two single family residences, parking areas, and ornamental landscaping. The proposed project would include various interior and exterior structural modifications to existing on-site structures so that the structures meet current Building Code requirements, as well as the demolition and replacement of other structures. The project would include a change in use of an existing single family residence and commercial storage structure to commercial retail. Exterior modifications would be consistent with the existing scale, height and architectural features of existing structures. The following describes proposed changes to each structure:

- Building 1 – Add 222 square foot rear deck to the rear of the restaurant and use the existing 305 square foot front deck as a viewing deck by restaurant patrons only. The deck shall not be used for dining purposes, including no tables or seating for restaurant patrons.
- Building 2 and 3 – Convert existing residence and commercial storage space to commercial retail, and add a 380 square foot deck. Interior/exterior structural modifications as required by Building Code. Demolition and rebuild in-kind to existing structure character, scale, height, and massing.
- Building 4 – Convert commercial structure to accessory restaurant use. Add 392 square foot deck. Interior/exterior structural modifications as required by Building Code.
- Building 5 – No change. Interior/exterior structural modifications as required by Building Code. Demolition and rebuild in-kind to existing structure character, scale, height, and massing.
- Building 6 – Changes to exterior elevations. Structural modifications as required by Building Code. Demolition and rebuild in-kind to existing structure character, scale, height, and massing.
- Building 7 – Add new, two story accessory restroom structure ancillary to the existing primary restaurant.
- Building 8 – No change. Structural modifications as required by Building Code.
- Building 9 – Continued use as a single family residence, with request to be available as a vacation rental.
- Children's play structure near the rear of the property.

### Unpermitted Activities

As noted above in the project description, Buildings 2, 3, 5, and 6 include demolition and replacement in-kind. However, since approval of Minor Use Permit DRC2012-00119, and its subsequent appeal, the applicant demolished Buildings 2, 3, 5, and 6 without a demolition permit. A stop work order was issued by the County on August 21, 2014 for the entire site,

including activities related to the existing restaurant (authorized in the 2012 substantial conformance determination). The stop work order was conditionally lifted on the activities related to the existing restaurant. The stop work order remains in effect on items related to Minor Use Permit DRC2012-00119. No remedial action was taken on the unpermitted demolition pending decision on appeal of Minor Use Permit DRC2012-00119.

### Environmental Review

A Mitigated Negative Declaration (ED13-161) was completed on April 23, 2014 by the Planning Department to evaluate the potential impacts of Minor Use Permit DRC2012-00119. On May 15, 2014, two weeks prior to the June 6, 2014 Planning Department Hearing, the Planning Department received a "Request for Review" of the Mitigated Negative Declaration. The "Request for Review" was submitted by the current appellant, Khosro Khaloghli. A "Request for Review" is a process which affords the public the opportunity to focus additional scrutiny on proposed Negative Declarations. A "Request for Review" of a proposed Negative Declaration is heard and considered at the time of the public hearing on the project. The Planning Department responded to the "Request for Review" on May 29, 2014 (Attachment 7). The Environmental Coordinator (and Hearing Officer) determined that the "Request for Review" submitted by Khosro Khaloghli did not raise environmental issues that were not appropriately addressed in the proposed Mitigated Negative Declaration.

### Appeal Issues

The appellant raised concerns that the proposed project does not conform to the standards set forth in Title 23 - Coastal Zone Land Use Ordinance, the North Coast Area Plan and applicant Planning Area Standards for the subject property. The appellant also raised several concerns related to the Mitigated Negative Declaration (ED13-161). It should be noted that the majority of issues raised in the appeal have also been raised and addressed in the "Request for Review" prepared by the County on May 15, 2014 (Attachment 7).

Issues of primary concern raised by the appellant include aesthetics, noise, traffic, water supply, and land use, as well as issues related to the definition of "existing conditions" for the purposes of environmental review. These issues are discussed below. Other issues raised by the appellant include agricultural resources, air quality, biological resources, geology and soils, hazards and hazardous materials, public services, and wastewater. These issues have been addressed in Attachment 2. The appeal also raised concerns related to the June 6, 2014 Planning Department Hearing staff report and conditions of approval. These issues have also been address in Attachment 2.

### Existing Conditions

The appellant raised concerns regarding "existing development" and "new development". The appellant states that several structures were constructed without permits or adherence to County ordinances and were in direct conflict with the original Conditions of Approval. The appellant states that these structures are now being reviewed as "existing structures and uses", but should not be. The appellant requests that a closer examination of what was approved with the original Development Plan and what is considered "existing" should be prepared.

*Staff Response: The existing structures were originally established in 1961. These structures included the following; commercial gift shop, detached guest house, nursery, and accessory structures. The site also had a demonstration garden operation known as Exotic Gardens. All existing structures and uses were authorized through the granting of a Variance in 1961. In 1980, the County authorized the establishment of a restaurant, cocktail lounge and gift shop in the existing structures. Since that time, the County has issued business licenses to various commercial enterprises in the existing structures that were determined to be consistent with the allowed uses per Standard 29 and 30 of the North Coast Planning Area Standards.*

*There are planning area standards specifically established for the proposed project site, as per the North Coast Area Plan. These include the following.*

*Planning Area Standard 29 states:*

*"Principally permitted uses shall be limited to: eating and drinking place (restaurant and cocktail lounge accommodated only within existing two-story structure) and general merchandise stores (gift shops). Non-principal permitted uses shall include: single family residences; caretakers' quarters; water wells and impoundments; and accessory uses only. The remaining structures on the site are to be maintained in their present uses or used for storage only. (This is a visitor-serving priority area)."*

Planning Area Standard 30 states:

*"Minor Use Permit approval is required for any structural modifications, changes of use within existing structures, or new accessory structures."*

*The County has also issued building permits for remodeling of existing structures that were determined to be in substantial conformance with the original approvals. Per section 15063(d)(1) of the CEQA Guidelines, Initial Studies are required to include an environmental setting for which impacts are to be measured against. CEQA Guidelines Section 15125(a) defines the environmental setting as the physical environmental setting at the time environmental review is commenced. The existing physical condition of the project site as of November 23, 2013 is considered to be the baseline for analysis, per the requirements of CEQA. Thus, any existing structures at that time are considered baseline/existing conditions.*

*It is important to note that the primary use, the main restaurant building, is not considered in this Minor Use Permit request. Upgrades that are currently underway on the restaurant were approved in 2012. The current request for a Minor Use Permit and the associated Mitigated Negative Declaration is specific to the remaining on-site existing structures, where various remodel/improvements are proposed, as well as a change in use for one structure from residential to commercial. The project also includes a request to allow the other existing single family residence to be used as a vacation rental.*

### Aesthetics

The appellant notes that Highway 1 is a State Scenic Highway and National Scenic Byway and is the primary public viewing corridor in the area. The appellant states that the proposed project would significantly impact the scenic qualities of the corridor. The appellant states that the off-site billboard sign located within the Highway 1 and county right of way is illegal and should be removed. The appellant states that additional uses in this scenic viewshed would be detrimental to the enjoyment of the natural scenic qualities of the corridor. The appellant states that previous uses were limited by Standards 29 and 30 and the restrictions of use insured that commercial traffic remained light, signage was strictly limited, and any expansion of development on site would require a Minor Use Permit so that all potential effects could be thoroughly studied. The appellant states that the project will change the visual character of the area. The appellant states the project will result in significant light and glare impacts.

*Staff Response: As noted by Mr. Khaloghli, Highway 1 adjacent to the project site is designated as a scenic highway. The proposed project would not introduce new uses or structures that are substantially different from existing conditions, as the project would modify existing structures and allow uses very similar to those historically on site. Any demolished structures would be replaced in-kind. The size and scale of existing structures would be similar to existing size and scale. In addition, the primary existing structure is screened from Highway 1 by existing trees, vegetation and topography. Other on-site structures are generally not visible from Highway 1 because the line of sight is blocked by the primary restaurant structure, topography, and existing vegetation. The project would not introduce new structures that would hinder or impact the viewing corridor from Highway 1.*

*Per conditions of approval from 1980, the project was permitted to have one free-standing sign at the intersection of Exotic Gardens Drive and Highway 1. The existing sign is considered non-conforming per current standards but is allowed per approved of the 1980 use permit. Continued use of this sign is allowed because no changes to the sign are proposed.*

*The project would primarily include a continuation of allowed uses on the project site with modifications to existing structures. The project would continue general commercial retail, including food and beverage sales, and general merchandise sales. The proposed change in use would be from residential to general commercial. The existing and proposed uses are consistent with and allowed by Planning Area Standards 29 and 30 of the North Coast Planning Area Standards. As required by Standard 30, a Minor Use Permit is required for any structural modifications or changes in use. The applicant has complied with this requirement and is currently requesting a Minor Use Permit. The request has been evaluated by the County accordingly.*

*The project would not result in the expansion of structures or uses such that the visual character of the site or area would be adversely altered. The project would modify existing structures to meet Building Code requirements. Several of the on-site structures are dilapidated and in poor aesthetic condition. In-kind exterior improvements would enhance the visual*

character of the site. The project would include a change in use from residential to general commercial. This change in use would not alter the character of the site, as the general commercial use is intended to be ancillary to the existing restaurant and is consistent with the allowed uses per Planning Area Standard 29. The overall character of the site and the area would be similar to existing conditions. As discussed above, existing primary structures are screened from Highway 1 by existing trees, vegetation and topography. Other on-site structures are generally not visible from Highway 1 because the line of sight is blocked by the primary restaurant structure, topography, and existing vegetation and trees.

The project would include new sources of light, as described in the Mitigated Negative Declaration. As described therein, the project would be subject to Section 23.04.320, which establishes self-mitigating requirements for outdoor lighting. The requirements of the Section 23.04.320 would mitigate potential impacts relative to light and glare. In addition to these requirements, the applicant has agreed to minimize all parking lot lighting to a maximum of 48 inches in height to further reduce light spillage. In addition, the project is conditioned to provide lighting details for review at the time of application for construction permits. The details are to include the height, location, and intensity of all exterior lighting. All lighting fixtures are to be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods will be dark colored.

### Noise

The appellant states that the proposed project will generate permanent increases in ambient noise in the project vicinity, and will cause a temporary or periodic increase in ambient noise in the project vicinity. The appellant states that in addition to the daily ambient noise caused by increased traffic flow to and from the site, any outdoor events would likely be amplified, with both voice and music noise carried by the prevailing winds to the neighboring residences, state beaches, hotels and the scenic corridor. The appellant states that periodic noise would greatly impact the surrounding rural residences and impair the enjoyment of their property.

Staff Response: The project would include a continuation of allowed uses. The allowed uses would not generate significant, permanent sources of noise. The project does not include a request for special events beyond events ancillary to the primary use, as allowed by ordinance. Ancillary events to the restaurant may generate intermittent noise. However, all on-site uses would be subject to the County noise ordinance requirements, which would ensure that impacts do not occur. Section 23.06.044 requires that daytime noise levels to not exceed 70 decibels and nighttime noise levels do not exceed 65 decibels. Assuming that a maximum of 70 decibels is generated at the property boundary of the project site, the nearest sensitive receptor (residence) is approximately 1,200 feet from the property boundary. Based on the inverse square law of noise attenuation, sound dissipates at a rate of 6 decibels per doubling of distance. Noise levels at the nearest sensitive receptor would be approximately 34 decibels if noise was to achieve 70 decibels on the project site at any given time. Based on the County's Noise Element, 34 decibels is an acceptable noise level for residential land uses. If noise exceeds County standards, code enforcement action would be required.

### Traffic and Circulation

The appellant expresses disagreement that the project will have no impact on traffic. The appellants specific concerns are as follows:

- Moonstone Beach Drive and Exotic Gardens Drive is a dangerous intersection.
- There are no acceleration lanes, no turn lanes, no signals, and limited sight lines.
- The proposed project will greatly increase vehicle trips to and from the project site.
- Disagrees with Public Works that the project would generate similar levels of traffic to historic uses.
- Expresses concern regarding pedestrian safety.
- Expresses concern that the number of parking spaces required is inadequate and does not account for employee trips and changes in use.
- States that existing parking spaces illegally encroach into the County's right-of-way.
- Expresses concern that the proposed overflow parking area (comprised of decomposed granite) will result in water quality impacts.
- States that the parking plan does not account for large events on-site.

Staff Response: The net increase in vehicle trips is associated with the change in use from residential to commercial in Buildings 2 and 3. Vehicle trips with other existing uses would remain the same. The proposed change in use would result in the addition of 1,439 square feet of general commercial retail space associated with the restaurant use.

According to the Institute for Transportation Engineers (ITE) trip generation rates, this component of the project would conservatively generate approximately 3.89 peak hour trips (based 2.71 peak hour trips per 1,000 square feet). Based on existing structures and uses on site without the currently proposed project, the site would generate approximately 42 peak hour trips per day (using the ITE trip rates). Thus, in total the proposed project would generate approximately 46 peak hour trips. Caltrans reviewed the project upon receipt of the referral package on June 20, 2013 and had no concerns. Based on comments from the public, Caltrans reviewed the project again on January 14, 2014 and on May 20, 2014. Caltrans does not have any concerns with the project. Caltrans specifically noted that acceleration/deceleration distances meet current standards, and visibility from Exotic Garden Drive to Highway 1 (northbound and southbound) meets current visibility standards. Caltrans stated that a project of this size and nature would not impact traffic and would not warrant any roadway improvements. As such, no traffic impact analysis was required. In addition, due to the proposed change in use, the project is subject to the North Coast Area A Circulation Fee, as established the County. This fee would represent the project's "fair share" contribution to help fund regional road improvements to improve area-wide circulation.

Similar to the findings of Caltrans, Public Works reviewed the project and did not have any concerns with the project.

The project does not include any components that would encourage pedestrians to cross Highway 1, such as cross walks or signage. The project includes adequate on-site parking, which in part ensures that pedestrians do not have to park off-site and cross Highway 1. Should pedestrians choose to walk to the project site they would do so at their own discretion.

The existing parking spaces in front of Building 6 partially encroach into the right of way for Exotic Gardens Drive. Public Works has reviewed this component of the project has no concerns with the existing encroachment. The project site does not provide through-traffic to other destinations, but rather direct access only to the project site. As such, vehicles that may back out onto Exotic Garden Drive would not be subject to potential conflicts with through-traffic. The proposed overflow parking area meets applicable requirements.

The project meets parking requirements established by Section 23.04.160 of the Coastal Zone Land Use Ordinance. The parking calculations for the project account for employee parking. The parking calculations prepared pursuant to Section 23.04.160 include employee parking. The project includes the use of an electric shuttle to provide transportation from visitor lodging to the project site. The shuttle would pick-up visitors wherever they may be lodging within Cambria. The shuttle is a potentially beneficial project element that may reduce parking demand on-site. It is not relied upon or considered in the parking demand calculations.

The overflow parking area would be covered with decomposed granite, which would minimize storm water runoff and is preferred by Public Works to minimize erosion and increase ground water infiltration.

The project does not include a special events request. Any on-site events would be ancillary to the proposed primary use, and as noted above the project meets applicable parking requirements.

#### Water and Hydrology

The appellant expresses concern regarding water supply and that the project would increase the number of fixtures and increase water demand. The appellant also expressed concern regarding the demand for water for irrigation purposes.

Staff Response: The Cambria Community Services District has issued a 'can and will' serve letter for this project. The project site has a historic water allocation of 18.46 units of water per month, as issued by the Cambria Community Services District. The proposed project would require 15.53 units of water, as calculated by the Cambria Community Services District. Thus, adequate water allocations are available for the project. This allocation and the calculations were reconfirmed on May 20, 2014 by County staff. It should be noted that the project includes several water conservation measures, including use of recycled water for irrigation purposes.

#### Land Use

The appellant expresses concern regarding the project's consistency with Planning Area Standards 29 and 30 of the North Coast Area Plan. The appellant states that the project is an "island of commercial activity" and is not consistent with the adjacent land use, which is predominantly rural, agricultural and open space. The appellant states that the project presents general commercial uses in an area in which priority is given to coastal recreation uses in visitor serving areas.

Staff Response: Standard 29 states that principally permitted uses shall be limited to: eating and drinking places (restaurant and cocktail lounge accommodated only within existing two-story structure) and general merchandise stores (gift shops). Non-principal permitted uses shall include: single family residences; caretakers' quarters; water wells and impoundments; and accessory uses only. The remaining structures on the site are to be maintained in their present uses or used for storage only. (This is a visitor-serving priority area.)

The proposed project would be consistent with Standard 29. The proposed project would maintain the existing uses as allowed by Standard 29, including the restaurant use, which would continue to serve as the principally permitted eating and drinking place, as well as the existing two-story residential structure, general commercial stores and other uses ancillary to the primary use and gardens area. The proposed project would change the use of the existing caretaker's quarters and commercial storage area to a general commercial retail use, which is an allowed use per Standard 29. The proposed project does not propose any other changes to on-site uses.

Standard 30 states that a Minor Use Permit approval is required for any structural modifications, changes of use within existing structures, or new structures. The proposed project has requested a Minor Use Permit consistent with the requirements of Standard 30, and the County has reviewed the project accordingly.

The project site is designated as Recreation and is intended to be used as visitor serving land use. The nature of the proposed project is visitor serving. The proposed project would continue to be used as a visitor serving land use. Surrounding land uses include visitor serving uses, including San Simeon State Park to the north, Moonstone Beach Drive to the west (which contains multiple lodging accommodations) and Cambria further to the south. The project would not change the principal or secondary uses such that any visitor serving opportunities would be lost. The project would include additional general commercial uses and a vacation rental to serve visitors of the area. The project would result in an overall enhancement to the site and improve visitor serving opportunities to the public. The project is consistent with applicable coastal policies and allowable land uses as discussed above under Response 30.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

The project was referred to: Public Works, Environmental Health, Building Division, Cambria Community Services District (water and fire), Caltrans, Coastal Commission, North County Advisory Council, California Coastal Commission.

#### **FINANCIAL CONSIDERATIONS**

This appeal was processed using general funds.

#### **RESULTS**

Affirming the Planning Department Hearing Officer's decision by denying the appeal will result in the adoption of Mitigated Negative Declaration ED13-161 and approval of Minor Use Permit DRC2012-00119. This is consistent with the County's goal of promoting livable and prosperous communities.

Staff report prepared by Rob Fitzroy and reviewed by Ellen Carroll.

#### **ATTACHMENTS**

1. Board of Supervisors Resolution with findings and conditions
2. Additional Appeal Issues and County Responses
3. Planning Department Hearing Staff Report
4. Coastal Appealable Letter
5. Project Description
6. Mitigated Negative Declaration
7. Request for Review of Mitigation Negative Declaration
8. Graphics